



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**  
**999 18<sup>TH</sup> STREET - SUITE 300**  
**DENVER, CO 80202-2466**  
**Phone 800-227-8917**  
**<http://www.epa.gov/region08>**

**September 29, 2003**

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Teton County Commissioners  
c/o Bill Paddleford, Chair  
P.O. Box 3594  
Jackson, Wyoming 83001

Re: Notice of SDWA Enforcement  
Action Against Snake River  
Park, Inc.  
PWS ID #5600519  
Docket No. **SDWA-08-2003-0072**

Dear Mr. Paddleford:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order (Order) is being issued under Section 1414 of the SDWA to the Snake River Park, Inc., located in Teton County, Wyoming. This Order requires that the Snake River Park, Inc. take measures to return to compliance with the SDWA and the National Primary Drinking Water regulations. The Snake River Park, Inc. has violated 40 C.F.R. §§ 141.21, 141.73(a)(2), 141.70(a), 141.73, 141.74(a)(2), 141.72(b), 141.201, 141.75(b)(2)(iii), 141.75(b)(3)(ii) and (iii), 141.21(g)(2), and 141.31(b) for failure to: monitor for total coliform bacteria; comply with turbidity maximum limit; remove 99.9 and 99.99 percent of giardia and virus, respectively; install appropriate filtration equipment designed to achieve required removal/inactivation of Giardia and viruses; use proper equipment/methods to measure disinfectant residual concentration;



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maintain sufficient disinfectant residual; provide public notice of NPDWR violations; report to EPA disinfection information monthly; report to EPA within 24 hours of exceeding the turbidity limit; report to EPA within the next business day the loss of disinfectant residual; report total coliform monitoring violations to EPA; and report SDWA violations to EPA within 48 hours.

A copy of this Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures



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September 29, 2003

Ref:8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kenneth S. Cohen, Registered Agent  
Snake River Park, Inc.  
70 South Willow Street  
Jackson, Wyoming 83001

Richard Chatham, Owner  
Snake River Park, Inc.  
9705 South Highway 89  
Jackson, Wyoming 83001

Re: Administrative Order  
Docket No. **SDWA-08-2003-0072**  
Snake River Park, Inc.  
PWS ID #WY5600519 NC

Dear Mr. Cohen and Mr. Chatham:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Order finds that the Snake River Park, Inc. Water System (System) is a public water supplier as defined by the SDWA and that the owner of the System is in violation of the National Primary Drinking Water Regulations (NPDWRs) found at 40 C.F.R. §§ 141.21, 141.73(a)(2), 141.70(a), 141.73, 141.74(a)(2), 141.72(b), 141.201, 141.75(b)(2)(iii), 141.75(b)(3)(ii) and (iii), 141.21(g)(2), and 141.31(b) for failure to: monitor for total coliform bacteria; comply with turbidity maximum limit; remove 99.9 and 99.99 percent of giardia and virus, respectively; install appropriate filtration equipment designed to achieve required removal/inactivation of Giardia and viruses; use proper equipment/methods to measure disinfectant residual concentration; maintain sufficient disinfectant residual; provide public notice of NPDWR violations; report to EPA disinfection information monthly; report to EPA within 24 hours of exceeding the turbidity limit; report to EPA within the next business day the loss of



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disinfectant residual; report total coliform monitoring violations to EPA; and report SDWA violations to EPA within 48 hours.

Violation of the enclosed Order may lead to (1) a penalty of up to \$27,500 per day per violation of the Order, (2) a separate penalty for violating the regulations, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Olive Hofstader at the address on the letterhead and include the mail code 8ENF-W, or call (800) 227-8917 extension 6467 or (303) 312-6467. If you wish to have an informal conference with EPA, you may also call or write Ms. Hofstader. If you are represented by an attorney or have legal questions please call Michelle Jalazo at the above 800 number extension 6921 or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA

cc: Larry Robinson, WYDEQ  
Dr. Karl Musgrave, WYDOH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF	)	
	)	
Snake River Park, Inc.	)	
Jackson, WY	)	ADMINISTRATIVE ORDER
	)	
Respondent	)	
	)	
Proceedings under Section 1414(g)	)	
of the Safe Drinking Water Act,	)	Docket No. <b>SDWA-08-2003-0072</b>
42 U.S.C. § 300g-3(g)	)	
	)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Snake River Park, Inc. (Respondent) is a corporation under the laws of the State of Wyoming as of June 1979 and therefore a "person" within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, Snake River Park, Inc. water system, located in Teton County, Wyoming for the provision to the public of piped water for human consumption.

3. The Snake River Park, Inc. water system regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of Section 1401(16) of the Act, 42 U.S.C. § 300f(16) and 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a July 22, 1999 sanitary survey conducted by EPA, Respondent operates a system that is supplied by two wells. The system serves an average of 200 persons daily through 66 service connections and is open seasonally, April 14 through October 7.
6. On January 4, 2001, the System's wells were determined to be under the direct influence of surface water. The Respondent was notified by mail on January 4, 2001, that all requirements of the Surface Water Treatment

Rule at 40 C.F.R. Part 141, Subpart H must be met for these wells by June 30, 2002.

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FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires non-community public water systems using groundwater under the direct influence of surface water to monitor the water at least once per month, each month that the system serves water to the public to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the months of April 2002 and April 2003, in violation of 40 C.F.R. § 141.21.

II.

1. 40 C.F.R. § 141.73(a)(2) states that the turbidity level of a system's filtered water must at no time exceed 5 NTU.
2. Respondent exceeded the turbidity limit of 5 NTU on or about July 20 through July 23, 2002, in violation of 40 C.F.R. § 141.73(a)(2).

III.

1. 40 C.F.R. §§ 141.70(a) and 141.73 require public water systems that filter and disinfect to reliably achieve

99.9 percent (3-log) removal and/or inactivation of Giardia and 99.99 percent (4-log) removal and/or inactivation of viruses within 18 months of being designated as a public water system that uses a ground water source under the direct influence of surface water. This designation was made on January 4, 2001.

2. Respondent failed to demonstrate with documentation by June 30, 2002, that the installed filtration and disinfection treatment equipment is designed to reliably achieve 99.9 (3-log) and 99.99 (4-log) removal and/or inactivation of Giardia and viruses respectively, in violation of 40 C.F.R. §§ 141.70(a) and 141.73.

#### IV.

1. 40 C.F.R. § 141.74(a)(2) requires public water systems to measure residual disinfectant concentration using approved analytical methods.
2. Respondent has failed to use the appropriate methodology to monitor the residual disinfectant concentration in the distribution system, in violation of 40 C.F.R. § 141.74(a)(2).

#### V.

1. 40 C.F.R. § 141.72(b)(2) requires that the residual disinfectant concentration in the water entering the



distribution system not be less than 0.2 mg/L for more than 4 hours.

2. Respondent failed to maintain a disinfectant residual concentration of at least 0.2 mg/l for more than 4 hours on July 23, 2002, in violation of 40 C.F.R. § 141.72(b)(2).

#### VI.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections I, II, III and V, in violation of 40 C.F.R. § 141.201.

#### VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.

2. Respondent failed to report to EPA the instances of noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.21(g) (2).

VIII.

1. 40 C.F.R. § 141.75(b) (3) (ii) requires public water systems that use a surface water source or a ground water source under the direct influence of surface water and provide filtration to notify EPA within 24 hours any time the treated water turbidity exceeds 5 NTU.
2. Respondent failed to report turbidity exceedance to EPA within 24 hours of Respondent becoming aware of the exceedance which occurred from about July 20 -July 23, 2002, in violation of 40 C.F.R. § 141.75(b) (3) (ii).

IX.

1. 40 C.F.R. § 141.75(b) (3) (iii) requires public water systems that filter and disinfect to notify EPA no later than the end of the next business day any time the disinfectant residual entering the distribution system falls below 0.2 mg/l.
2. Respondent failed to notify EPA by the end of the next business day of Respondent's disinfectant residual falling below 0.2 mg/l on July 24, 2002, in violation of 40 C.F.R. § 141.75(b) (3) (iii).

X.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections III, IV, and VI, in violation of 40 C.F.R. § 141.31(b).

XI.

1. 40 C.F.R. § 141.75(b) (2) (iii) requires public water systems that use a ground water source under the direct influence of surface water to report distribution system disinfection information specified in 40 C.F.R. § 141.74(c) to EPA within 10 days after the end of each month the system serves water to the public.
2. Respondent has failed to report distribution system disinfection information specified in 40 C.F.R. § 141.74(c) since January 2001, in violation of 40 C.F.R. § 141.75(b) (2) (iii).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirements of 40 C.F.R. § 141.21(a)

to perform monthly bacteriological monitoring.

Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first ten days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

2. Upon the effective date of this Order, Respondent shall comply with the requirements stated in 40 C.F.R. § 141.73 which require that no individual turbidity measurement of the finished water may ever exceed 5 NTU.
3. Within 30 days of this Order, Respondent shall provide documentation (schematics, manufacturer's literature, calculations, and a statement from a professional engineer) that the installed filtration and disinfection equipment complies with 40 C.F.R. §§ 141.70(a) and 141.73, by achieving 99.9 (3-log) removal and/or inactivation of Giardia and 99.99 (4-log) removal and/or inactivation of viruses.
4. If the current cartridge filtration equipment is retained, Respondent shall replace and/or repair pressure gauges which are in front of and after the cartridge filters. Pressure drop must be able to be measured with precision in increments of no greater

than 1 psi. Within 30 days of this Order, Respondent must submit proof of purchase and evidence of installation of pressure gauges, such as photographs and written statement indicating actions taken and when they were completed. Respondent shall maintain and operate the gauges according to manufacturer's specifications.

5. Within 30 days of this Order, Respondent must submit proof of purchase of a test kit that uses approved analytical methods for determining residual disinfectant concentrations. This test kit must use one of the approved analytical methods identified in 40 C.F.R. § 141.74(a)(2). Additional test procedures are contained in *Technical Notes on Drinking Water Methods*, October 1994. Alternatively, residual disinfectant concentrations can be measured by using DPD colorimetric test kits, with sufficient measurement precision (scale with increments no greater than 0.2 mg/L of free chlorine).
6. Upon the effective date of this Order, Respondent shall maintain a minimum of 0.2 mg/l (but less than 4 mg/l) disinfectant residual at the entry point of the distribution system, and detectable throughout the distribution system, as required by 40 C.F.R. §

141.72(b) (2). Respondent must sample at least once per day. If the disinfectant residual falls below 0.2 mg/l, Respondent must take grab samples every four hours until the residual disinfectant concentration is equal to or greater than 0.2 mg/l. Additionally, Respondent shall monitor for residual disinfection concentration at the same point in the distribution system and at the same time as total coliforms are sampled, as required by 40 C.F.R. § 141.74(c).

7. Immediately upon opening for the 2004 operational season, Respondent shall provide a public notice for the violations specified under the Findings of Violation, Sections I, III, IV and VI, in this Order, to return to compliance with 40 C.F.R. §§ 141.201 and 141.204. This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers;

use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting to EPA any failure to comply with coliform monitoring requirements within ten days after the system discovers the violation.
9. Upon the effective date of this Order, Respondent shall comply with the requirements stated in 40 C.F.R. § 141.75(b)(3)(ii) which requires that if at any time turbidity exceeds 5 NTU, the water system must consult with the EPA no later than 24 hours after the exceedance, in accordance with the public notification requirements under 40 C.F.R. § 141.203(b)(3).
10. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.75(b)(3)(iii) which requires public water systems that provide filtration

to notify EPA as soon as possible, but no later than the end of the next business day, if at any time the disinfectant residual falls below 0.2 mg/l. The system must also notify EPA by the end of the next business day whether or not the disinfectant residual was restored to at least 0.2 mg/l within 4 hours.

11. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting to EPA any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) within 48 hours.
12. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.75(b)(2)(iii) which requires public water systems that provide filtration to report disinfection information specified in 40 C.F.R. § 141.74(c) to EPA within 10 days after the end of each month the system serves water to the public.
13. Reporting requirements specified in this Order shall be provided by certified mail to:

Olive Hofstader  
U. S. EPA Region 8 (8ENF-W)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

#### GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1



et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order instituted under Section 1414(g) (3) (A), 42 U.S.C § 300g-3(g) (3) (A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g) (3) (B) of the Act, 42 U.S.C. § 300g-3(g) (3) (B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).
3. Violation of any requirement of the SDWA or its implementing regulations, may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance.

Issued this 29<sup>TH</sup> day of September, 2003.

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**David J. Janik**

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE  
REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON SEPTEMBER 29,  
2003.**

